

REMARKS

Claims 1-5 are currently pending and stand rejected. Claims 1-5 are canceled herein without prejudice.

Claim 6 is newly presented herein. No new matter has been added as a result of this new claim. Indeed, support for new Claim 6 may be found at least at page 3, lines 11-20, page 5, lines 6-23, and in Figures 4 and 8 of the pending Application.

Claim 7 is newly presented herein. No new matter has been added as a result of this new claim. Indeed, support for new Claim 7 may be found at least at page 5, lines 14-18, and in original Claim 2, of the pending Application.

Claim 8 is newly presented herein. No new matter has been added as a result of this new claim. Indeed, support for new Claim 8 may be found at least at page 10, lines 18-23, page 11, lines 7-11, and in Figures 5 and 6 of the pending Application.

Claim 9 is newly presented herein. No new matter has been added as a result of this new claim. Indeed, support for new Claim 9 may be found at least at page 16, lines 2-17, of the pending Application.

Claim 10 is newly presented herein. No new matter has been added as a result of this new claim. Indeed, support for new Claim 10 may be found at least at page 10, line 23 – page 11, line 4, of the pending Application.

Replacement sheets for Figures 1-4, 7 and 8 are presented with the instant response. No new matter is presented as a result of these replacement sheets.

A number of amendments to the specification are presented herein. No new matter is presented as a result of these amendments.

NOTICE OF NON-COMPLIANT AMENDMENT

With respect to the Notice of Non-Compliant Amendment mailed on June 18, 2009, which addresses the Response filed on June 12, 2009, the Applicant respectfully submits that the objections raised in the Notice of Non-Compliant Amendment are moot in view of the instant response. Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below-listed telephone number.

DRAWINGS

i. 37 C.F.R. § 1.84(h)(3)

The Office Action states:

The drawings are still objected to because cross-sections should be denoted by Roman or Arabic numerals, not letters.

Id., page 2, section 2 (emphasis added). The Office Action further states:

with regard to the drawings, see 37 CFR 1.84(h)(3).

Id., page 11, section 13 (emphasis added).

With respect to Figures 1 and 5-7 of the Application, the Applicant respectfully points out that each of Figures 1 and 5-7 illustrate a “plan view”. See page 5, line 25 – page 6, line 15, of the Application (emphasis added). Accordingly, the Applicant does not find 37 C.F.R. § 1.84(h)(3) to apply to Figures 1 and 5-7.

With respect to Figures 2-4 and 8 of the Application, the Applicant respectfully points out that each of Figures 2-4 and 8 illustrate a “sectional view”. See page 5, line 25 – page 6, line 15, of the Application (emphasis added). Thus, assuming arguendo that 37 C.F.R. § 1.84(h)(3) applies to Figures 2-4 and 8, and in order to expedite prosecution of the Application, replacement sheets for Figures 2-4 and 8 are submitted with the instant response. Moreover, replacement sheets for Figures 1 and 7 are also submitted for clarity and consistency with respect to the changes made to Figures 2-4 and 8.

ii. DASHED LEAD LINES

The Office Action also states:

In Figure 1, the lines from 13, 20 and 21 should be dashed to denote underlying structure.

Id., page 2, section 2 (emphasis added). The Applicant has reviewed the relevant portions of the MPEP, including 37 C.F.R. § 1.84(h)(3), and does not find support for the requirement that lead lines be dashed to denote underlying structure. Should the Examiner disagree, the Applicant respectfully requests that the Examiner provide support for the requested amendments. In particular, the Applicant respectfully requests that the Examiner clearly identify an MPEP section that requires that dashed

reference lines from reference numbers 13, 20 and 21 must be used to denote underlying structure.

iii. VISIBLE LEAD LINES

The Office Action further states:

a line from each denotation to the structure it denotes should be set forth, i.e. no B1 in parenthesis without a line.

Id., page 2, section 2 (emphasis added). With respect to the amended figures, the Applicant respectfully points out that reference sign B1 (which has been replaced in Figures 2 and 3 with reference numeral 52) is not shown in parenthesis and without a line. Accordingly, the Applicant respectfully submits that the instant objection to the figures is moot.

For at least the foregoing rationale, the Applicant respectfully submits that the figures of the pending Application overcome the objections to the drawings as set forth in the Office Action. As such, withdrawal of each of these objections is respectfully requested.

DESCRIPTION

i. OBJECTIONS

The Office Action objects to the description of the Application, pursuant to 35 U.S.C. § 112, first paragraph, as being “replete with terms which are not clear, concise and exact.” See page 3, section 3, of the Office Action. The Office Action further states:

The specification should be revised carefully in order to comply with 35 U.S.C. § 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, second paragraph.

See page 3, section 3, of the Office Action.

It is noted that 35 U.S.C. § 112, first paragraph, states:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the [invention]

Id. (emphasis added). The Applicant respectfully submits that the specification is sufficiently clear as to enable a person having ordinary skill in the art to make and use the invention in accordance with the claimed embodiments. Indeed, the Applicant respectfully submits that a person having ordinary skill in the art would understand how to practice the claimed embodiments in view of the specification of the Application when read in view of the figures.

Moreover, it is noted that the Applicant does not find 35 U.S.C. § 112, first paragraph, to require that an application be free of clerical errors (e.g., grammatical or syntax errors) as a condition precedent to allowance. Rather, as explained above, the Applicant finds 35 U.S.C. § 112, first paragraph, to simply require that “[t]he specification ... contain a written description ... in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the [invention] *Id.* (emphasis added). For at least the foregoing rationale, the Applicant respectfully submits that the pending

Application meets this burden. As such, withdrawal of the instant objection to the description of the pending Application is respectfully requested.

Should the Examiner choose to sustain the instant objection, the Applicant respectfully requests that the Examiner clearly identify which terms in the specification the Examiner feels would preclude a person having ordinary skill in the art from making and using the present invention in accordance with the claimed embodiments. Moreover, the Applicant respectfully requests that such objection to the description be held in abeyance until such time as the objection may be adequately addressed, such as following the provision of the requisite feedback from the Examiner.

In addition to the foregoing, the Office Action states:

The disclosure is objected to because ... [t]he section subtitles should be revised, see 37 CFR 1.77(b).

See page 3, section 4, of the Office Action. The Applicant respectfully submits that the section subtitles in the Application, as amended, are in compliance with 37 C.F.R. § 1.77(b). As such, withdrawal of the instant objection is respectfully requested.

The Office Action further states:

The disclosure is objected to because ... [o]n page 9, second to last line, reference to the inventor should be avoided.

See page 3, section 4, of the Office Action. The Applicant respectfully submits that the Application, as amended, does not reference the inventor in the Description section. As such, withdrawal of the instant objection is respectfully requested.

ii. AMENDMENTS

As previously stated, a number of amendments to the specification are presented herein. No new matter is presented as a result of these amendments.

In particular, it is noted that the paragraph at page 7, lines 4-24, of the pending Application has been amended to recite (emphasis added):

With reference to Figure 2, a rising end 54 is also shown.

The Applicant respectfully submits that “rising end” is the English equivalent of the Chinese characters in Figure 2 as originally filed. These characters have been removed from Figure 2 and replaced with reference numeral 54.

CLAIM OBJECTIONS

Canceled Claims 1-5

The Office Action objects to Claims 1-5 due to a number of clerical errors in Claims 1 and 3. The Applicant respectfully points out that Claims 1-5 are canceled herein. Accordingly, the Applicant respectfully submits that the instant objections to Claims 1-5 are moot.

New Claims 6-10

With respect to new Claims 6-10, the Applicant respectfully submits that Claims 6-10 do not contain the aforementioned clerical errors.

CLAIM LANGUAGE INTERPRETATION

The Office Action makes reference to the terms "inner" and "thickens". The Applicant respectfully points out that new Claims 6-10 do not contain these terms.

CLAIM REJECTIONS – 35 U.S.C. § 112

Canceled Claims 1-5

The Office Action rejects Claims 1-5 pursuant to 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification. The Applicant respectfully points out that Claims 1-5 are canceled herein. Accordingly, the Applicant respectfully submits that the rejections to Claims 1-5, pursuant to 35 U.S.C. § 112, first paragraph, are moot.

New Claims 6-10

The Applicant respectfully submits that no new matter has been presented as a result of new Claims 6-10.

With respect to new Claim 6, the Applicant respectfully submits that support for new Claim 6 may be found at least at page 3, lines 11-20, page 5, lines 6-23, and in Figures 4 and 8 of the pending Application. For example, the Application provides:

the moisture resistance in this invention means that the water vapor permeability, which the waterproof sheet essentially has, lower by coating the resin on the waterproof sheet, in the case that the water vapor permeability is measured on the basis of JIS Z-0208 method of test.

See page 5, lines 6-10 of the pending Application. That is, in so much as the intrinsic water vapor permeability of the waterproof sheet becomes smaller as a result of the

hydrophilic resin being coated on the waterproof sheet, the part of the waterproof sheet having a coated hydrophilic resin layer has a water vapor permeability smaller than the part of the waterproof sheet not having such layer.

With respect to new Claims 7-10, the Applicant respectfully submits that support for new Claims 7-10 may be found at least at page 5, lines 14-18, page 10, line 18 – page 11, line 4, page 11, lines 7-11, and page 16, lines 2-17, as well as in Figures 5 and 6, and in original Claim 2, of the pending Application.

Thus, the Applicant respectfully submits that new Claims 6-10 are in compliance with 35 U.S.C. § 112, first paragraph. As such, allowance of new Claims 6-10 is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §§ 102(b) and 103(a)

The Office Action states that Claims 1 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious in view of Cammarota et al. (US 6,307,119; hereinafter “Cammarota”), and in further view of Timmons (US 4,022,211). The Office Action also states that Claim 3 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Cammarota, and in further view of Timmons. The Office Action further states that Claim 2 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Cammarota, and in further view of Timmons, and in further view of Ikeda et al. (US 2003/0148091; hereinafter “Ikeda”). Moreover, the Office Action states that Claim 5 is rejected under 35 U.S.C. § 103(a) as

being obvious in view of Cammarota, and in further view of Timmons, and in further view of Yabuki et al. (US 2002/0061595; hereinafter "Yabuki").

The Applicant respectfully points out that Claims 1-5 are canceled herein. Accordingly, the Applicant respectfully submits that the rejections to Claims 1-5, pursuant to §§ 102(b) and/or 103(a), are moot.

PATENTABILITY OF NEW CLAIMS 6-10

With respect to new Claims 6-10, the Applicant respectfully submits that Claims 6-10 are patentable over the cited art for at least the following rationale.

Claim 6

Independent Claim 6 recites the features (emphasis added):

An absorbent article structured by integrally forming a liquid permeable top sheet, an absorbent, a water vapor permeable waterproof sheet, and a liquid impermeable back sheet, in this order, the absorbent article comprising:

a hydrophilic resin coating layer coupled with a first portion of the water vapor permeable waterproof sheet and separated from a second portion of the water vapor permeable waterproof sheet, a water vapor permeability of the first portion being lower than a water vapor permeability of the second portion; and an information mark layer coupled with the hydrophilic resin coating layer.

The Applicant has reviewed the cited art and respectfully submits that the embodiment of Claim 6 is patentable over such art. In particular, upon reviewing Cammarota and Timmons, the Applicant does not find Cammarota, either alone or in combination with Timmons, to teach or suggest:

a hydrophilic resin coating layer coupled with a first portion of the water vapor permeable waterproof sheet and separated from a second portion of the water vapor permeable waterproof sheet, a water vapor permeability of the first portion being lower than a water vapor permeability of the second portion

as claimed (emphasis added).

With reference now to the Examiner's communication, the Office Action states that "a hydrophilic resin coating layer", as claimed, is taught at column 5, lines 27-66, of Timmons. See page 6, section 9, of the Office Action. The Applicant has reviewed Timmons, including the aforementioned cited portion thereof, and respectfully points out that Timmons teaches that:

water-dispersible or water-soluble coloring agents may be used.

Id., column 5, lines 28-30. Timmons further teaches:

The coloring agent may be affixed to the carrier means either from a thick aqueous solution or from an aqueous solution containing a water-dispersible binder.

Id., column 5, lines 28-30.

Assuming arguendo that Timmons teaches "a hydrophilic resin coating layer", as stated in the Office Action, the Applicant nevertheless does not find Timmons to teach or suggest:

a hydrophilic resin coating layer coupled with a first portion of the water vapor permeable waterproof sheet and separated from a second portion of the water vapor permeable waterproof sheet, a water vapor permeability of the first portion being lower than a water vapor permeability of the second portion

as claimed (emphasis added).

Thus, the Applicant finds that neither Cammarota nor Timmons teaches or suggests the embodiment of Claim 6. Moreover, the Applicant does not find either Ikeda or Yabuki to overcome the shortcomings of Cammarota and Timmons.

Additionally, the Examiner has indicated that a water content indicator including a hydrophilic resin coating layer and an information mark is disclosed in column 21, lines 27-48 of Cammarota. It is noted that the Applicant finds Cammarota to teach:

it is desirable for the active graphics to be disposed on the interior surface 112 of the outer cover 40

However, the Applicant does not find Cammarota to teach that active graphics have two layers comprising a hydrophilic resin coating layer and an information mark layer.

For at least the foregoing rationale, the Applicant respectfully submits that independent Claim 6 is patentable over the cited art. As such, allowance of Claim 6 is respectfully requested.

Claims 7-10

With respect to Claims 7-10, the Applicant respectfully points out that Claims 7-10 depend from allowable independent Claim 6, and recite further features. Therefore, the Applicant respectfully submits that Claims 7-10 are thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 7-10 is respectfully requested.

Claim 7

The foregoing notwithstanding, and with respect to Claim 7, the Applicant has reviewed the cited art and does not find the cited art to teach or suggest:

the water vapor permeable waterproof sheet is constituted by a sheet material in which a water vapor permeability on the basis of JIS Z-0208 method of test is 7000 g/m²/24h or more.

as claimed (emphasis added).

Claim 8

With respect to Claim 8, the Applicant has reviewed the cited art and does not find the cited art to teach or suggest:

the information mark layer and the hydrophilic resin coating layer have a thickness of 1μm to 20μm[,]

as claimed (emphasis added).

Claim 9

With respect to Claim 9, the Applicant has reviewed the cited art and does not find the cited art to teach or suggest:

an ink layer disposed between the water vapor permeable waterproof sheet and the hydrophilic resin coating layer,

as claimed.

Claim 10

With respect to Claim 10, the Applicant has reviewed the cited art and does not find the cited art to teach or suggest:

the hydrophilic resin coating layer comprises an ultraviolet absorbent, ultraviolet scattering agent, light stabilizer or antioxidant.

as claimed.

CONCLUSION

In light of the above-listed remarks, it is respectfully submitted that the pending Application overcomes the objections and rejections of record. Moreover, based on the arguments presented above, it is respectfully submitted that Claims 6-10 are currently in a condition for allowance. Therefore, allowance of Claims 6-10 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

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Date: July 10, 2009

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